

1 MALCOLM A. HEINICKE (State Bar No. 194174)
Malcolm.Heinicke@mto.com
2 MUNGER, TOLLES & OLSON LLP
560 Mission Street, Twenty-Seventh Floor
3 San Francisco, CA 94105-2907
Telephone: (415) 512-4000
4 Facsimile: (415) 512-4077

5 TERRY E. SANCHEZ (State Bar No. 101318)
SHOSHANA E. BANNETT (State Bar. No. 241977)
6 MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue, Thirty-Fifth Floor
7 Los Angeles, California 90071-1560
Telephone: (213) 683-9100
8 Facsimile: (213) 687-3702

9 Attorneys for Defendants

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 DOUGLAS K. McDANIEL and BRYAN
14 CLARK, on behalf of themselves, all
15 others similarly situated, and the general
public,

16 Plaintiffs,

17 vs.

18 WELLS FARGO INVESTMENTS, LLC, a
Delaware limited liability company,
19 WELLS FARGO BANK, N.A., a National
Association, WELLS FARGO
20 ADVISORS, LLC, formerly known as
Wachovia Securities, LLC, a Delaware
21 limited liability company, and DOES 1
through 50 inclusive,

22 Defendants.
23

CASE NO. CV 10 4916 SC

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND THE DEADLINE
FOR DEFENDANTS TO ANSWER OR
OTHERWISE RESPOND TO THE
COMPLAINT**

1 WHEREAS, pursuant to Civil L-R 6-1(a), counsel for Defendants Wells Fargo
2 Investments, LLC; Wells Fargo Advisors, LLC; and Wells Fargo Bank, N.A. have requested an
3 extension of the deadline to answer or otherwise respond to the complaint, and counsel for
4 Plaintiffs has agreed to such an extension;

5 WHEREAS, Plaintiffs filed this putative class action on July 12, 2010 in state court;

6 WHEREAS, Plaintiffs served Defendants with the complaint and summons on September
7 29, 2010, and the action was subsequently removed to this Court pursuant to the Class Action
8 Fairness Act of 2005;

9 WHEREAS, pursuant to the Federal Rules of Civil Procedure, Defendants' deadline to
10 answer or otherwise respond to the complaint was November 5, 2010;

11 WHEREAS, the parties previously agreed to extend Defendants' time to answer or
12 otherwise respond to the complaint by thirty (30) days, and the Defendants' current deadline to
13 answer or otherwise respond to the complaint is December 6, 2010;

14 WHEREAS, Defendants have filed a motion to transfer venue to the United States District
15 Court for the Eastern District of California, pursuant to 28 U.S.C. §1404, and that motion has
16 been noticed for a hearing on January 21, 2011;

17 WHEREAS, the parties agree that it would be inefficient to brief and litigate Rule 12
18 motions and other matters before the transfer issue is decided;

19 WHEREAS, the parties agree to extend Defendants' deadline to answer or otherwise
20 respond to the complaint until fourteen (14) calendar days after (a) the motion to transfer is
21 denied; or (b) transfer to the Eastern District is effectuated, whichever occurs first;

22 WHEREAS, the extension set forth will not alter the date of any event or deadline already
23 fixed by Court order, and Defendants take the position that Civil Local Rule 6-1(a) does not
24 require a Court order for such an extension, but the Clerk of Court has requested the submission
25 of a stipulation with a proposed order contained in it;

26 WHEREAS, through this stipulation, Plaintiffs and Defendants do not concede any
27 procedural or substantive rights -- this stipulation affects only the deadline for responding to the
28 complaint;

1 NOW THEREFORE, Plaintiffs and Defendants through their counsel of record stipulate
2 to the following and respectfully request an order to this effect:

3 IT IS HEREBY STIPULATED pursuant to Civil L.R. 6-1(a) that the deadline for
4 Defendants to answer or otherwise respond to the complaint shall be and is hereby extended to
5 fourteen calendar days after (a) the motion to transfer is denied; or (b) transfer to the Eastern
6 District is effectuated, whichever occurs first.

7
8 DATED: December 6, 2010

Law Offices Of William P. Tornngren
WILLIAM P. TORNGREN

9
10
11 By /s/ William P. Tornngren
WILLIAM P. TORNGREN

12 Attorneys for Plaintiffs

13
14 DATED: December 6, 2010


Munger, Tolles & Olson LLP

15
16 By: /s/ Malcolm A. Heinicke
MALCOLM A. HEINICKE

17 Attorneys for Defendants¹

18
19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED**, and the deadline for Defendants to
21 answer or otherwise respond to the complaint is extended until fourteen calendar days after (a)
22 Defendants' motion to transfer is denied; or (b) transfer to the Eastern District is effectuated,
23 whichever occurs first.

24 12/7/10

25
26 THE HONOR  CONTI

27 ¹ I, Malcolm A. Heinicke, am the ECF User whose identification and password are being
28 used to file this STIPULATION AND [PROPOSED] ORDER TO EXTEND THE DEADLINE
FOR DEFENDANTS TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT. In
compliance with General Order 45.X.B., I hereby attest that William P. Tornngren concurred in
this filing.